

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA . CR. NO. H-20-239  
VS. . HOUSTON, TEXAS  
JOSEPH RAYMOND WEEKS . JULY 9, 2020  
RHETT DWAYNE FARRELL . 2:45 P.M. to 3:09 P.M.

TRANSCRIPT of ARRAIGNMENTS  
BEFORE THE HONORABLE DENA HANOVIC PALERMO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

*(All participants appearing by video/Zoom or telephone)*

FOR THE GOVERNMENT: LEO JAMES LEO, III  
Assistant U.S. Attorney  
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Houston, Texas 77002

FOR DEFENDANT JOSEPH RAYMOND  
WEEKS: DAVID B. ADLER  
David Adler PC  
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FOR DEFENDANT RHETT DWAYNE  
FARRELL: DARRYL EMMANUEL AUSTIN  
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Defender  
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Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

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APPEARANCES CONTINUED

PRETRIAL SERVICES OFFICER

OFFICIAL COURT REPORTER:

KATHY L. METZGER  
U.S. Courthouse  
515 Rusk  
Room 8004  
Houston, Texas 77002

1 P R O C E E D I N G S

2 *THE COURT:* The next case I'm calling is United States  
3 of America versus Rhett Dwayne Farrell. Is Mr. Farrell at  
4 Corley or is he -- does anybody know the answer to that  
5 question?

6 *MR. LEO:* He should be at Joe Corley, Your Honor.  
7 Jimmy Leo for the government.

8 *THE COURT:* Thank you.

9 *MR. ADLER:* Judge Palermo --

10 *THE COURT:* Yes.

11 *MR. ADLER:* -- this is David Adler. I have a  
12 co-defendant with Mr. Farrell. I don't know if you want to do  
13 both of them at the same time.

14 *THE COURT:* Oh, yes. Who? Is that Weeks, Mr. Weeks?

15 *MR. ADLER:* Yes, Your Honor. Yes, Your Honor.

16 *THE COURT:* Okay. Thank you for bringing that to my  
17 attention. I knew that, but the order gets messed up when they  
18 get them.

19 All right. And I can have Raymond Weeks --

20 Joseph Raymond Weeks also?

21 Okay. Can you adjust the camera so that I can  
22 see both of the defendants? All right.

23 And so I'm calling the case of United States of  
24 America versus Rhett Dwayne Farrell and Joseph Raymond Weeks,  
25 4:20-cr-239.

1 4 : 4 6 : 3 3 1 And who is Mr. Farrell? Can you raise your hand  
2 for me?

3 *DEFENDANT FARRELL:* (raised hand)

4 *THE COURT:* Okay. And Mr. Weeks? Okay. Who's  
1 4 : 4 6 : 4 4 5 Mr. Weeks?

6 *DEFENDANT WEEKS:* (raised hand)

7 *THE COURT:* Okay. And who's Mr. Farrell?

8 *DEFENDANT FARRELL:* (raised hand)

9 *THE COURT:* Okay. Just trying to confuse me, I see.  
1 4 : 4 6 : 5 2 10 Okay. All right. Thank you.

11 All right. So we're here on an arraignment; is  
12 that correct? Who's counsel for Mr. Farrell, please?

13 *MR. AUSTIN:* Darryl Austin on behalf of Mr. Farrell.

14 *THE COURT:* Thank you. And counsel for Mr. Weeks is  
1 4 : 4 7 : 0 7 15 David Adler?

16 *MR. ADLER:* That is correct, Your Honor.

17 *THE COURT:* Okay. And for the government?

18 *MR. LEO:* Jimmy Leo for the government, Your Honor.

19 *THE COURT:* Okay. So I need to do the -- I need to do  
1 4 : 4 7 : 2 5 20 the script for the waiver of the in-person hearing first.

21 All right. Gentlemen, my name is Dena Palermo,  
22 and I'm a United States magistrate judge in the United States  
23 District Court for the Southern District of Texas.

24 We are conducting the court appearances today by  
1 4 : 4 7 : 4 9 25 video and telephone conference. You are appearing by video

1 4 : 4 7 : 5 3 1 from Joe Corley Detention Center. You're able to see me on the  
2 screen in front of you?

3 *DEFENDANT WEEKS:* Yes, Your Honor.

4 *DEFENDANT FARRELL:* Yes, Your Honor.

1 4 : 4 8 : 0 1 5 *THE COURT:* All right. Now, if at any time you need  
6 to speak your lawyer, please let me know and I'll try to give  
7 you the opportunity to have a private conversation.

8 And if you don't understand one of my questions,  
9 please let me know and I will try to address the issue.

1 4 : 4 8 : 1 5 10 Okay. We have participating in this proceeding,  
11 for the U.S. Attorney's Office we have Jimmy Leo and for  
12 Mr. Farrell, you heard Darryl Austin is on the line; for  
13 Mr. Weeks, you heard David Adler is on the line. We also have  
14 a Pretrial Services officer and a court reporter who's taking  
1 4 : 4 8 : 3 8 15 down everything that's said so there will be a written record  
16 of these proceedings.

17 You are appearing by video from Joe Corley, and  
18 everyone else is appearing by video or telephone from various  
19 places. Ordinarily we would all be in the courtroom together.  
1 4 : 4 8 : 5 2 20 We are conducting these proceedings by video conference. So  
21 it's the new law that the President of the United States signed  
22 on March 27th and certain general orders that the Chief Judge  
23 of this Court entered and according to the Federal Rules of  
24 Criminal Procedure, all of which authorize federal courts to  
1 4 : 4 9 : 1 0 25 conduct certain criminal proceedings like this one by video or

1 telephone conference with the consent of the defendant. That's  
2 why I'm speaking to you about this now. I have to get your  
3 consent to proceed by video on the record.

4 *DEFENDANT WEEKS:* Yes, Your Honor.

5 *DEFENDANT FARRELL:* Yes.

6 *THE COURT:* Okay. We're conducting this hearing by  
7 video and telephone because of the emergency conditions that  
8 exist due to the coronavirus pandemic which has had an effect  
9 on the functioning of the federal courts.

10 Now, Mr. Austin, have you had a chance to discuss  
11 with your client his waiving the right to be physically present  
12 in the courtroom for this hearing?

13 *MR. AUSTIN:* No, we do not have an issue, Your Honor.  
14 I have another issue to discuss. We haven't seen the charging  
15 document, but for purposes of this, it's not an issue.

16 *THE COURT:* Well, it's going to be an issue for the  
17 purposes of the arraignment if he hasn't seen the charging  
18 document.

19 *MR. AUSTIN:* I haven't received it either.

20 *THE COURT:* Okay. That's great. All right. So --

21 *MR. LEO:* Your Honor, if I may, when they entered the  
22 superseding indictment and docket card into ECF, they  
23 inadvertently put the sealing, I guess, thinking it was like a  
24 sealed document. So we were not able to access it, but they  
25 did clear that up. So, Mr. Austin should be able to go on ECF

14:50:36 1 now and pull it off, but I don't think that's going to help  
2 with his client at this point.

3 *THE COURT:* It's not going to help unless they can go  
4 off and confer on the side and without the government --

14:50:47 5 *MR. AUSTIN:* Based on the nature of the complaint,  
6 it's not an issue. It's just we haven't seen the document.

7 *THE COURT:* Okay. But the issue is that I can't  
8 arraign him unless you've discussed it with him. So --

9 *MR. AUSTIN:* I haven't seen it.

14:51:01 10 *THE COURT:* The question is do you want to pull up the  
11 document and try to confer with him on the side while I'm  
12 conducting these other hearings or do you want me to reset this  
13 hearing?

14 *MR. AUSTIN:* No, I'd like to do it today, but I'll  
14:51:14 15 give him a call if I could right now.

16 *MR. LEO:* I'll send you a copy right now, Darryl.

17 *MR. ADLER:* Judge Palermo --

18 *THE COURT:* Yes. The same thing for your client,  
19 right?

14:51:24 20 *MR. ADLER:* No. We are prepared to proceed with the  
21 arraignment.

22 *THE COURT:* Okay. You're prepared.

23 *MR. ADLER:* I got a copy from Mr. Leo, and I read it  
24 to Mr. Weeks a few days ago.

14:51:32 25 *THE COURT:* Brilliant. Okay. So, Mr. Austin, let me

1 14:51:37 see if I can put you in a different breakout room. I tried to  
2 do that earlier and it didn't work, because I think I was just  
3 putting the wrong people in the breakout room. So if I can put  
4 you and your client in a breakout room and if --

14:51:53 5 *MR. AUSTIN:* Whatever is easiest.

6 *THE COURT:* All right. Maybe you can call, because  
7 there's two people in that room, so -- yeah, and we don't want  
8 to hear what you're saying. Okay. So you call, and I will go  
9 forward with -- instead of -- that was -- your client is  
10 14:52:08 Farrell. So I will go forward with Mr. Weeks. And I will call  
11 back up when you've had a chance to discuss, hopefully by the  
12 time I finish the arraignments. All right. So I'm muting you.  
13 Oh, you are muted. Good. All right.

14 All right. So now back to Mr. Weeks and  
15 14:52:30 Mr. Adler. Mr. Adler, we're here on Raymond, correct, on the  
16 superseding indictment then?

17 *MR. ADLER:* Yes, that is correct, Your Honor.

18 *THE COURT:* And are there any new charges that need to  
19 be -- that he needs to be made aware of additional penalties?

20 14:52:50 *MR. ADLER:* I assume you're asking Mr. Leo that  
21 question, right, Your Honor?

22 *THE COURT:* Mr. Leo, yes.

23 *MR. LEO:* Yes. Sorry, Judge. I'm trying to do two  
24 things at once. Yes, sorry, Your Honor.

25 14:52:59 *THE COURT:* Can you -- actually before I do anything,



1 I have to go finish this script, which is very long. I'm  
2 sorry. Okay. And, of course, we have to do it for everybody.

3 So, Mr. Adler, you've discussed with your client  
4 his decision to waive the right to be physically present in the  
5 courtroom?

6 *MR. ADLER:* I have, Your Honor.

7 *THE COURT:* And he waives that right?

8 *MR. ADLER:* He waives that right, Your Honor.

9 *THE COURT:* And do you believe that it's a knowing and  
10 voluntary waiver?

11 *MR. ADLER:* Yes, Your Honor.

12 *THE COURT:* All right. So, Mr. Weeks, do you  
13 understand that you have the right to appear in person in the  
14 courtroom for this proceeding and have everyone else who's  
15 participating in this hearing present in the courtroom with  
16 you, which I will refer to as a full court hearing?

17 *DEFENDANT WEEKS:* Yes, Your Honor.

18 *THE COURT:* And have you consulted with your attorney  
19 about it?

20 *DEFENDANT WEEKS:* Yes, Your Honor.

21 *THE COURT:* Do you feel like you've had enough time to  
22 discuss it with him?

23 *DEFENDANT WEEKS:* Yes, Your Honor.

24 *THE COURT:* Do you understand that you if you consent  
25 to proceed with this hearing by video, this proceeding will

1 14:53:54 1 have the same exact effect as if we were in open court and we  
2 were all there with you? You have to speak out loud so the  
3 court reporter can get it.

4 *DEFENDANT WEEKS:* Yes, Your Honor.

1 14:54:03 5 *THE COURT:* Thank you. Do you understand that if you  
6 consent to appear by video, you won't be able to complain later  
7 that you were denied the opportunity to have a full court  
8 hearing for this proceeding?

9 *DEFENDANT WEEKS:* Yes, Your Honor.

1 14:54:13 10 *THE COURT:* Do you also understand that you can change  
11 your mind and tell me right now that you want to be physically  
12 present in the courtroom for this hearing, but if you do, I  
13 will have to postpone this hearing and reschedule it but I  
14 couldn't tell you when it would be scheduled for, because  
1 14:54:27 15 currently the Houston courthouse is closed and even when it  
16 reopens we're not conducting those kind of hearings in person.  
17 Do you understand that?

18 *DEFENDANT WEEKS:* Yes, Your Honor. It's fine.

19 *THE COURT:* All right. So, has anyone threatened you  
1 14:54:40 20 or made any promises to you to obtain your consent to appear by  
21 video?

22 *DEFENDANT WEEKS:* No, Your Honor.

23 *THE COURT:* Now, your lawyer has indicated that you  
24 wish to waive your right to appear in person and go forward  
1 14:54:52 25 with this hearing by video and telephone. Considering all that

1 14:54:55 1 I have said to you, do you still wish to give up your right to  
2 a full court hearing in the courthouse for this proceeding?

3 *DEFENDANT WEEKS:* Yes, Your Honor.

4 *THE COURT:* And do you consent to conducting this  
5 appearance by video and telephone conference?

6 *DEFENDANT WEEKS:* Yes, Your Honor.

7 *THE COURT:* Okay. What's the government's position  
8 with regard to proceeding by video and telephone, Mr. Leo?

9 *MR. LEO:* We're unopposed, Your Honor.

10 14:55:17 *THE COURT:* And, Mr. Adler, do you think that your  
11 client's waiver of his right to appear by -- to appear in  
12 person in the courthouse and to consent to the video conference  
13 is clearly reflected on the record?

14 *MR. ADLER:* I do, Your Honor.

15 14:55:33 *THE COURT:* All right. I find that the defendant has  
16 consented to proceed by video, and we will notate that in the  
17 Court's record.

18 Okay. So, we're here on an arraignment for a  
19 superseding indictment. Mr. Adler, do you waive formal reading  
20 of the charges?

21 *MR. ADLER:* Yes, Your Honor.

22 *THE COURT:* All right. Mr. Weeks, have you had a  
23 chance to discuss the new charges against you with your  
24 attorney?

25 14:55:54 *DEFENDANT WEEKS:* Yes, Your Honor.

14:55:57 1           *THE COURT:* And are you ready to enter a plea to the  
2 superseding indictment at this time?

3           *DEFENDANT WEEKS:* Yes, Your Honor.

4           *THE COURT:* Oh, wait, wait. Mr. Leo, you're supposed  
14:56:06 5 to tell us what the new charges are and the penalty ranges.

6           *MR. LEO:* Yes, Your Honor. Mr. Weeks is in Counts 1  
7 through 6 and Count No. 9. Counts 1 through 4 allege  
8 seriously -- allege possession with intent to distribute  
9 narcotics that resulted in serious bodily injury. Therefore,  
14:56:26 10 the punishment range on Counts 1 through 4 is a minimum of 20  
11 years imprisonment up to life and/or a million-dollar fine and  
12 at least a three-year supervised release term and a  
13 hundred-dollar special assessment fee.

14           Counts 5 and 6 are the counts that he had  
14:56:45 15 previously been indicted on. And they are up to 20 years  
16 imprisonment and/or a million-dollar fine, at least three years  
17 supervised release and a hundred-dollar special assessment fee.

18           And, finally, Count 9 is a felon in possession  
19 charge, which he faces up to ten years imprisonment and/or a  
14:57:02 20 fine up to \$250,000 and not more than the three years  
21 supervised release term.

22           *THE COURT:* Thank you.

23           All right. So with that said, are you ready to  
24 plead to the indictment?

14:57:17 25           *DEFENDANT WEEKS:* Are you asking me?

14:57:26 1           *THE COURT:* I'm asking you. Are you ready to plead  
2 to --

3           *DEFENDANT WEEKS:* I just want to be clear. So my  
4 minimum is 20 years?

14:57:30 5           *THE COURT:* On Counts 1 through 4, and Count 5 is up  
6 to 20 years. So, 1 through 4, which are the new, is 20 years  
7 up to life. On the old charges, in Counts 5 through 6, it was  
8 up to 20 years; and 9, it was up to 25 years. Is that right,  
9 Mr. Leo?

14:57:50 10          *MR. LEO:* Up to 10 years on No. 9, Your Honor.

11          *THE COURT:* Oh, up to 10 years. You got it?

12          *DEFENDANT WEEKS:* Yes, Your Honor.

13          *THE COURT:* Okay. So now, understanding the  
14 charges -- understanding the penalty range on the new charges,  
14:58:03 15 are you still ready to plead to the superseding indictment?

16          *DEFENDANT WEEKS:* Not guilty, Your Honor.

17          *THE COURT:* All right. A not guilty plea has been  
18 entered on your behalf.

19                 Your case has already been scheduled in front of  
14:58:17 20 Judge Lake and it's in order, as far as we're concerned, which  
21 is jury trial on July 13, 2020, which is next week. I don't  
22 think that's happening.

23          *MR. ADLER:* Yeah, Judge. There's a pending motion for  
24 continuance right now before Judge Lake.

14:58:35 25          *THE COURT:* Yeah. And just for your information,

1 14:58:37 Mr. Adler and Mr. Leo, we got different dates for Mr. Farrell,  
2 and those dates aren't going to work either. The different  
3 date was an August 17th date. But because the Court is not  
4 conducting trials before September 1st, that will have to be  
5 14:58:56 reset as well. So, you know, all the dates I guess are just up  
6 in the air at this point. It doesn't necessarily help anybody,  
7 but that's where we are. Okay?

8 MR. ADLER: Thank you, Judge.

9 THE COURT: Nothing else for him, Mr. Adler?

10 14:59:09 MR. AUSTIN: We are ready, Your Honor.

11 MR. ADLER: Nothing else, Your Honor.

12 THE COURT: Okay. You're ready, Mr. Austin?

13 MR. AUSTIN: Yes. Thank you.

14 THE COURT: Okay. So we'll go back to Mr. Farrell.

15 14:59:17 *(Discussion at Joe Corley Detention Center, off the record)*

16 MR. LEO: Oh, no. Your Honor --

17 THE COURT: Yes.

18 MR. LEO: -- I think one of the defendants is  
19 threatening the other defendant, Your Honor.

20 14:59:42 THE COURT: I didn't hear. I'm sorry. What was said?

21 MR. LEO: He was talking about his wife or something  
22 and -- I don't feel comfortable saying it in front of  
23 everybody, Your Honor, because --

24 THE CASE MANAGER: Judge, I just sent you a text  
25 14:59:55 message regarding that.

14:59:56 1           *THE COURT:* All right. Let me go look.  
2           Okay. All right. So what do we want to do about  
3 that, Mr. Leo?  
4           *MR. LEO:* If the marshals are there, can -- we need to  
15:00:25 5 separate them for sure at this point.  
6           *THE MARSHAL:* They are. They are separated.  
7 Mr. Farrell is at a restrictive housing segregation.  
8           *THE COURT:* Okay.  
9           *MR. LEO:* Okay. Well, I guess it's done now. So I  
15:00:40 10 apologize, Your Honor. I probably should have let your case  
11 manager know I had some concerns about the two of them being in  
12 there together. I didn't think he would actually do what he  
13 did though.  
14           *THE COURT:* I don't know if that was caught on the  
15:00:51 15 record. Did the court reporter pick that up?  
16           *THE COURT REPORTER:* No, Judge.  
17           *THE COURT:* Yeah, I was changing files, so I wasn't  
18 paying attention to what they were saying, so I didn't hear it.  
19           Okay. So now I have -- that was Mr. Weeks. I  
15:01:19 20 now have Mr. Farrell, okay, on the same case number,  
21 4:20-cr-239.  
22           Mr. Austin, do you waive formal reading of the  
23 charges to your client?  
24           *MR. AUSTIN:* Yes.  
15:01:33 25           *THE COURT:* All right. Mr. Farrell, have you now had

15:01:35 1 a chance to discuss the charges against you with your attorney?

2 *DEFENDANT FARRELL:* Yes, ma'am.

3 *THE COURT:* And having discussed those charges in the  
4 superseding indictment with your attorney, are you ready to  
15:01:45 5 enter a plea at this time?

6 *DEFENDANT FARRELL:* Yes, ma'am.

7 *THE COURT:* How do you plead to the superseding  
8 indictment, guilty or not guilty?

9 *DEFENDANT FARRELL:* Not guilty.

15:01:56 10 *THE COURT:* A not guilty plea has been entered on your  
11 behalf. Your case is before Judge Lake.

12 *MR. LEO:* Your Honor --

13 *THE COURT:* Yes.

14 *MR. LEO:* -- Mr. Farrell has not been -- when he got  
15 initialed, he was initialed on different charges. We added  
16 other charges. So he has not been -- so would you like me to  
17 give the punishment range for the charges?

18 *THE COURT:* Yes. Give the punishment range for all  
19 the charges. Did I do the -- wait a second.

15:02:18 20 *MR. AUSTIN:* You need to do the video waiver.

21 *THE COURT:* Yeah, I was going to say, did I do the  
22 video waiver with you? No, I didn't.

23 *MR. AUSTIN:* Your Honor, you did, but I stopped you  
24 because we had to have the indictment. So, I mean, we're ready  
15:02:30 25 to move through that as well.



15:02:32 1           *THE COURT:* All right. So I have to go back and do  
2 the video waiver first; and, unfortunately, this script is so  
3 long. And I don't know. I wish that some defense lawyers  
4 would come up with a shorter script that everybody would agree  
15:02:44 5 to. It takes such a long time to get everybody to agree to go  
6 forward with this video appearance. But I'm going to start it  
7 again for you, Mr. Farrell, just so we can have one coherent  
8 discussion.

9           All right. We're conducting the court appearance  
15:02:58 10 today through video and telephone conference, and you're  
11 appearing from Joe Corley Detention Center.

12           *DEFENDANT FARRELL:* Right, uh-huh.

13           *THE COURT:* And you heard that we have Mr. Leo, who is  
14 here for the U.S. attorney; your attorney, Mr. Austin, is here.  
15:03:12 15 We also have a Pretrial Services officer here. And we have a  
16 court reporter taking down everything so that there is a  
17 written transcript of this hearing.

18           Now, you're appearing by video from Joe Corley,  
19 but everyone else is appearing by video or telephone from  
15:03:27 20 various places. Ordinarily we would all be in my courtroom  
21 together. We're conducting these proceedings by video pursuant  
22 to a new law that the President of the United States signed,  
23 certain general orders of the Chief Judge of this Court, and  
24 the Federal Rule of Criminal Procedures, all of which authorize  
15:03:42 25 federal courts to conduct certain criminal proceedings like

15:03:46 1 this one by video or telephone conference with the consent of  
2 the defendant, which is what I have to talk to you about now,  
3 because I need to get your consent to proceed on the record.

4 We're conducting the hearing by video and  
15:04:00 5 telephone because of the emergency conditions that exist due to  
6 the coronavirus pandemic, which had the effect of the  
7 functioning of federal -- which affected the functioning of  
8 federal courts.

9 Now, Mr. Austin, you discussed the waiver with  
15:04:14 10 your client?

11 *MR. AUSTIN:* Yes, Judge.

12 *THE COURT:* And does your client agree to waive his  
13 right to be physically present in the courtroom?

14 *MR. AUSTIN:* Yes.

15:04:30 15 *THE COURT:* And do you believe that it's a knowing and  
16 voluntary waiver?

17 *DEFENDANT FARRELL:* Well, you can answer.

18 *MR. AUSTIN:* Yes.

19 *THE COURT:* Okay. Now, Mr. Farrell, do you understand  
15:04:42 20 that you have the right to appear in person in the courtroom  
21 for this proceeding and have everyone else who's proceeding in  
22 the hearing -- who's participating in the hearing present in  
23 the courtroom with you, which I will refer to as a full court  
24 hearing?

15:04:54 25 *DEFENDANT FARRELL:* Yes.

15:04:57 1           *THE COURT:* And you've discussed that right with your  
2 attorney?

3           *DEFENDANT FARRELL:* Yes, ma'am.

4           *THE COURT:* Have you had enough time to discuss it  
15:05:03 5 with him?

6           *DEFENDANT FARRELL:* Yes, ma'am.

7           *THE COURT:* Do you understand that if you consent to  
8 proceed with this hearing today by video, it will have the same  
9 effect as if you were in open court and we were all there with  
15:05:13 10 you?

11           *DEFENDANT FARRELL:* Yes, ma'am.

12           *THE COURT:* Do you understand that if you consent to  
13 appear by video for today, you will not be able to complain  
14 later that you were denied the opportunity to have a full court  
15:05:22 15 hearing for this proceeding?

16           *DEFENDANT FARRELL:* Yes, ma'am.

17           *THE COURT:* Now, you can change your mind and tell me  
18 you want to be physically present in the courtroom; but if you  
19 do, I would have to postpone today's hearing and reschedule it  
15:05:34 20 and I couldn't tell you when the hearing would go forward  
21 because of the impact the coronavirus has had on closing  
22 federal courts --

23           *DEFENDANT FARRELL:* Yes, ma'am.

24           *THE COURT:* -- including the fact that the court is  
15:05:43 25 currently closed. Do you understand that?

15:05:44 1 *DEFENDANT FARRELL:* Yes, ma'am.

2 *THE COURT:* Has anyone threatened you or made any  
3 promise to you to obtain your consent today?

4 *DEFENDANT FARRELL:* I'm sorry. I couldn't hear you.  
15:05:55 5 Could you repeat?

6 *THE COURT:* Has anyone threatened you or made any  
7 promise to you to obtain your consent to appear by video today?

8 *DEFENDANT FARRELL:* No, ma'am.

9 *THE COURT:* Your lawyer has indicated that you wish to  
15:06:09 10 waive your right to appear in person and go forward with this  
11 hearing by video. Considering all that I have said to you, do  
12 you still wish to give up your right to a full court hearing in  
13 the courthouse for this proceeding?

14 *DEFENDANT FARRELL:* Yes, ma'am.

15:06:20 15 *THE COURT:* And do you consent to conducting this  
16 appearance by video and telephone conference?

17 *DEFENDANT FARRELL:* Yes, ma'am.

18 *THE COURT:* All right. What's the government's  
19 position with respect to proceeding by video and telephone,  
15:06:30 20 Mr. Leo?

21 *MR. LEO:* We're unopposed, Your Honor.

22 *THE COURT:* And, Mr. Austin, do you believe that your  
23 client -- your client's waiver is clearly reflected on the  
24 record?

15:06:39 25 *MR. AUSTIN:* Yes.

15:06:43 1           *THE COURT:* All right. Then I find that the defendant  
2 has waived his right to appear in person and has consented to  
3 proceed by video, and we will note that in the Court's record.

4           Okay. Now, to the arraignment. Mr. Austin, do  
15:06:57 5 you waive formal reading of the charges?

6           *MR. AUSTIN:* Yes.

7           *THE COURT:* And, Mr. Farrell, you've had a chance to  
8 discuss the charges against you with your attorney?

9           *DEFENDANT FARRELL:* Yes, ma'am.

15:07:07 10          *THE COURT:* All right. And, Mr. Leo, did you want to  
11 tell us what the new charges were and what the penalty ranges  
12 were?

13          *MR. LEO:* Yes, Your Honor. Mr. Farrell is in Counts 1  
14 through 4, which are possession with intent to distribute  
15:07:20 15 offense and conspiracy, possess with intent to distribute.

16               The punishment range for those four counts is a  
17 minimum of 20 years imprisonment, up to life imprisonment; a  
18 one-million dollar fine and at least a three-year supervised  
19 release term and a hundred-dollar special assessment fee.

15:07:38 20          Mr. Farrell is also in Counts 7 and 8, which is  
21 two counts of possession with intent to distribute a controlled  
22 substance. And the range of punishment is up to 20 years of  
23 imprisonment and/or a million-dollar fine; at least a  
24 three-year supervised release term and a hundred-dollar special  
15:07:57 25 assessment.

15:07:58 1           *THE COURT:* Okay. Having heard those penalty ranges,  
2 are you ready to enter a plea at this time, Mr. Farrell?

3           *DEFENDANT FARRELL:* Yes, ma'am.

4           *THE COURT:* All right. How do you plead to the  
15:08:11 5 superseding indictment, guilty or not guilty?

6           *DEFENDANT FARRELL:* Not guilty.

7           *THE COURT:* All right. A not guilty plea is entered  
8 on your behalf.

9           Your case is set before Judge Lake. You have a  
15:08:19 10 trial setting of August 17th at 1:00 p.m., but that is not  
11 going to happen because the courthouse is not resuming jury  
12 trials before September 1st at this point. So that will need  
13 to be reset. Once the Court, you know, knows when we're going  
14 to go forward, I don't know how they're going to reset it, but  
15:08:39 15 it will be reset sometime after September 1st.

16           Anything else at this time?

17           *DEFENDANT FARRELL:* No, Your Honor.

18           *MR. AUSTIN:* Nothing from the defense.

19           *MR. LEO:* Nothing from the government, Your Honor.

15:08:52 20           *THE COURT:* Okay. And are we sure that Mr. Farrell  
21 will be separated from Mr. Weeks, so that there won't be any  
22 issue?

23           *THE MARSHAL:* Yes, Judge. We have them separated  
24 here.

15:09:03 25           *THE COURT:* All right. As long as there is something

15:09:05 1 in place to make sure that Mr. Farrell is not going to be  
2 injured in any way.

3 *THE MARSHAL:* I'll speak with Mr. Austin, if he wants  
4 to have him moved somewhere else, but right now they are in  
15:09:16 5 separate facilities here.

6 *THE COURT:* Okay. All right. Mr. Austin, I'm leaving  
7 that to you then. Okay.

8 *MR. AUSTIN:* Yeah, I'll be following up.

9 *THE COURT:* Okay. Good luck to you, Mr. Farrell.

15:09:26 10 You're excused.

11 *DEFENDANT FARRELL:* Thank you.

12 (*Concluded at 3:09 p.m.*)

13 \* \* \*

14 I certify that the foregoing is a correct transcript from the  
15 record of proceedings in the above-entitled cause, to the best  
16 of my ability.

17  
18 /s/ Kathy L. Metzger  
19 Kathy L. Metzger  
Court Reporter

4-3-2022  
Date